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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,587	12/31/2001	Steven J. Tu	42390P12013	2260

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Los Angeles, CA 90025-1026

EXAMINER

CHAUDRY, MUJTABA M

ART UNIT	PAPER NUMBER
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2133

MAIL DATE	DELIVERY MODE
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01/19/2007

PAPER

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Tu

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EXAMINER

Chaudry, Mujtaba

ART UNIT

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2133

20070108

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Commissioner for Patents

Applicant's information disclosure statement of December 18, 2006 is not in compliance with 37 CFR 1.97(d) and 37 CFR 1.98 a(3)(i), MPEP 609 [R-5].

37 CFR 1.97(d) states:

(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- (1) The statement specified in paragraph (e) of this section; and
- (2) The fee set forth in § 1.17(p).

(e) A statement under this section must state either:

- (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

37 CFR 1.98 a(3)(i) states:

- (3) (i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.

The above requirements are not met and therefore IDS has not been considered. There is no indication on record that a fee according to 1.17(p) has been paid nor that a statement under 37 CFE 1.97(e) has been provided. Also, there is no statement of relevance as required by 37 CFR 1.98 a(3)(i).

eehhf
1/12/07

ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100